REMARKS

Claims 38, 49, 60 and 73 have been amended.

Claims 38-63, 65-85 and 88 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner states that the tie between the claimed subject matter and a fund access device is representative of extra-solution activity. Independent claims 38, 49, 60 and 73 have been amended to inextricably link the steps of the claimed method to a communication network linking a local computer and a remote computer. Accordingly, independent claims 38, 49, 60 and 73, and the dependent claims, recite patentable subject matter and it is requested that the rejection under 35 U.S.C. 101 be withdrawn.

Claims 38-63, 65-76, 78-85 and 88 were rejected under 35 U.S.C. 103(a) as being obvious in view of Walker et al. (US Patent 6,163,771) ("Walker") in view of Gifford (US Patent 6,049,785) and further in view of Curry et al. (US Patent 5,949,880) ("Curry"). Independent claims 38, 49, 60 and 73 have been amended and with respect to these claims, and their dependent claims, the Examiner's rejection is respectfully traversed.

The methods recited in amended independent claims 38, 49, 60 and 73 are not taught or suggested by the cited art. In the Office Action, the Examiner acknowledges that Walker does not explicitly disclose "activating by the distributor a carryable funds-access device after receiving confirmation of the presented fund-access code including the steps of activating one of multiple inactive carryable funds-access devices located at the distributor's location, creating and storing a funds-access device in the database; presenting the recipient with the activated funds-access device" (Office Action, page 5, lines 1-6). However, the Examiner argues that Gifford discloses "activating by the distributor a carryable funds-access device after receiving

confirmation of the presented fund-access code including the steps of activating one of multiple inactive carryable funds-access device located at the distributor's location, creating and storing a funds-access device record representing the activated funds-access device in the database; presenting the activated funds-access device" (Column 5, lines 49-61; Column 11, lines 29-41; figure 7) (Office Action, page 5, lines 6-11).

As illustrated below, Gifford neither discloses nor suggests activating a carryable funds-access device after receiving confirmation of a presented fund-access code and presenting a recipient with a newly activated funds-access device, as recited in independent claims 38, 49, 60 and 73.

Gifford, as shown in Fig. 13, discloses a system for purchasing goods or information over a computer network 69 connecting client computers 70, 71 and a payment computer 72. The payment computer 72 has access to an account database 73, a settlement database 74, an authorized client and delivery address database 75, a credential database 76, a financial system settlement interface 77 and/or a real-time financial authorization network 78 (Column 7, line 6-column 8, line 7). As shown in Fig. 14, Gifford discloses the operation of a payment system that begins with the client computer 71 constructing a payment order 79 to which a computed authenticator added 80 (Column 8, lines 24-27). The payment order is sent to the payment computer 72 and the payment computer verifies the authenticator 82 to ensure that the payment order was originated by the same sender it describes (Column 8, lines 27-30). In one embodiment, Gifford discloses obtaining the authenticator 80 by querying the user for a transaction identifier that is the next string from a physical list of one-time authorization strings (Column 11, lines 1-4). Gifford discloses that such a list could be produced on a card and that

the user crosses off authorization strings as they are used (Column 11, lines 32-34). In this embodiment, the authenticator is checked 91 against the next expected string from the sender using the credential database 76 (Column 11, lines 34-36). The credential database 76 can hold for each sender a list of random authorization strings, or can hold a sender specific secret key that was used to generate the list of authorization strings along with how many strings have been used so far (Column 11, lines 36-40). Once the authenticator is verified, settlement is performed 92 in the external financial system 77 between external accounts that correspond to the sender and the beneficiary (Column 10, lines 7-9).

As set forth in the above summary, Gifford discloses purchasing goods or information over a computer network using an authenticator that is one string from a physical list of multiple one-time authorization strings that is verified against the next string expected from the sender stored in the credential database. But Gifford does not disclose activating a carryable funds-access device after verifying the authenticator and providing the activated carryable funds-access device to a beneficiary other than the sender. Hence, Gifford neither discloses nor suggests activating a carryable funds-access device after receiving confirmation of the presented fund-access code and presenting the recipient with the activated funds-access device, as recited in independent claims 38, 49, 60 and 73.

In the Office Action, the Examiner also acknowledges that Walker does not explicitly disclose "generating a random code that is the funds-access code; validating the presented funds-access code including the steps of transmitting by the distributor the presented funds-access code and recipient information via a remote network attached computer, comparing the transmitted fund-access code and recipient information with the information in the fund-access code record

in the database, and receiving by the distributor confirmation of the validity of the presented fund-access code via the remote network attached computer and utilization of the activated funds-access device by the recipient; accessing by the recipient of the funds within the financial instrument using the funds-access device at an automatic teller machine disposed at a location remote from a location of the distributor" (Office Action, page 5, line 22 - page 6, line 2). The Examiner however asserts that Curry discloses "generating a random code that is the fund-access code; (Column 6, lines 6-30 [examiner notes that the 'Random SALT' value added to the transaction block data effectively randomizes the data])." (Office Action page 6, lines 3-5)

It is submitted that Curry neither discloses nor suggests generating a random code that is the funds-access code as recited in independent claims 38, 49, 60 and 73. In the present application, a funds-access code is generated prior to the activation of a corresponding funds-access device and the corresponding funds-access device is activated subsequent to verification of the funds-access code.

Curry, as shown in Fig. 1, discloses a system for transferring valuable information between a portable module 102 and a secure microprocessor based device 108 via a means for communication 106 (Column 2, lines 31-44). The secure microprocessor based device 108 has connections to a cash acceptor 110, an ATM 112, a credit card reader 114 and/or a phone line 116. As shown in Fig. 3, the secure microprocessor based device 108 includes a set of software objects 42 that includes encryption keys that use a random SALT value (Column 6, lines 10-14). The encryption keys are used to encode units of exchange that are then securely transferred out of the portable module 102 and deposited into the secure module 108 and/or potentially

communicated to cash acceptor 110, the ATM 112, the credit card reader 114 and/or the phone line 116 (Column 7, lines 14-20).

Accordingly, Curry discloses generating a random SALT encryption key to securely transfer units of exchange between an already activated portable module and a secure module. However, Curry does not disclose generating a random SALT encryption key which results in the activation of a portable module once the generated encryption key has been verified. Hence, Curry neither discloses nor suggests generating a random code that is the funds-access code as recited in independent claims 38, 49, 60 and 73.

In view of the foregoing, Walker, Gifford and Curry, individually and in combination, do not teach or suggest generating a random code that is the funds-access code and activating a carryable funds-access device after receiving confirmation of the presented fund-access code and presenting the recipient with the activated funds-access device, as recited in amended independent claims 38, 49, 60 and 73.

Accordingly, it is requested that the rejections of claims 38, 49, 60 and 73 and the dependent claims under 35 U.S.C. 103 be withdrawn.

In light of the foregoing, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

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